

Veterans Benefits Administration



*Compensation
Service
Training Staff*

*November
2013*

Fully Developed Claims (FDC)



Lesson Objectives

- Identify the types of EZ Forms used in Compensation Fully Developed Claim (FDC) Program
- Identify the parts of the EZ Forms
- Identify submission requirements for an incomplete Fully Developed Claim
- Differentiate Fully Developed Claim Program exclusions, including notification requirements



Lesson Objectives

- Identify FDC Program Development requirements, including notification
- Identify the FDC Program Development actions for exclusions
- Identify the Records VBA is required to request in the FDC Program
- Differentiate Public Law 112-154 Section 506 requirements for the FDC Program



References

- Fast Letter 12-25 : The Fully Developed Claim Program (Processing Claims Received on VA Forms 21-526EZ, 21-527EZ, and 21-534EZ) Revised August 30, 2013
- Fast Letter 13-17: Processing Fully Developed Original Claims Received from August 6, 2013 through August 5, 2015



Types of EZ Forms

1. VA Form 21-526EZ Fully Developed Claim (Compensation)
2. VA Form 21-527EZ Fully Developed Claim (Pension)
3. VA Form 21-534EZ Fully Developed Claim (Application for DIC, Death Pension, and Accrued Benefits)



EZ Form for FDC

- Only a claim filed on an EZ form is potentially eligible for processing in the FDC Program.
- If a claimant requests processing in the FDC Program but did not file their claim on an EZ form, the claim will be excluded from the FDC Program.



Parts of the EZ Forms

The updated VA Forms 21-526EZ, 21-527EZ, and the new VA Form 21-534EZ are comprised of **two bound parts**:

- The 5103 Notice
- The Application



21-526EZ Notice Section

- Refer to Student Handout Enclosure 1 VAF 21-526EZ
- The notice section of the VA Form 21-526EZ provides the claimant §5103 notice (Duty to Assist) for live compensation claims.
- The application must be complete to process in FDC Program



FDC 5103 Notice Exclusions

A few types of claims are not specifically covered by the FDC notice. Examples include:

- Claims for Permanent & Total status
- Claims for Hepatitis C
- Claims for a higher level of SMC (i.e. R-2)



21-527EZ Pension

The notice is applicable to Veterans claims for:

- Non Service-Connected Pension
- Non Service-Connected Pension with Aid and Attendance or Housebound Benefits
- Benefits Based on a Veteran's Seriously Disable Child



21-534EZ Dependents

The notice is applicable to survivors claims for:

- Death Pension
- DIC to include reopened DIC
- DIC under 38 U.S.C 1151
- Increased Survivor Benefits Based on Need for Aid and Attendance or Being Housebound
- Accrued Benefits
- Benefits Based on a Veteran's Seriously Disabled Child



Incomplete Claims for FDC

A Veteran may submit an incomplete claim for the FDC program to secure an effective date by providing a statement on a VAF 21-4138.



Exclusions

- Claimant indicated a desire not to have the claim processed in the FDC Program
- A claim is pending at the time of receipt of the EZ form
- An appeal is pending
- Requires a character of discharge determination
- Claim requires development for records in the custody of the Veteran's Guard/Reserve unit(s)



Exclusions continued

- Further evidence is needed from the claimant or an identified private medical provider
- The EZ form is incomplete
- The claim requires any development except:
 - Federal records in the custody of the Federal government
 - Claimant-identified Federal treatment records such as VA medical center (VAMC) treatment records
 - A VA examination/DBQ



Additional Exclusions

A claim may be removed from the FDC program if:

- The Veteran fails to report for a VA exam (and the fault is not with the VA due to using an incorrect address)
- A supplemental claim, additional evidence, or an NOD on any claim is received after receipt of the FDC



Excluded FDC Notification

- When a claim is excluded from the FDC program, either at initial receipt or subsequently, the Veteran is notified.
- Refer to FL 12-25 pages 9 and 10 for more details to the language to place under the “What We Still Need From You” paragraph in a Supplemental Development letter.



Development Requirements

VA will still complete the following development on an FDC:

- Request any identified federal records. These records include service treatment records (except Guard/Reserve), VAMC records, personnel records, Social Security records, etc.
- Request a VA exam and opinion if necessary to decide the claim



FDC Subsequent Notification

There are two circumstances where VA will still send a subsequent development letter to the Veteran under the FDC program:

1. A claim for a condition that has been previously denied
2. When VA determines that federal records are unavailable



Previously Denied Conditions

- The FDC Notice includes information about the need for New & Material evidence to reopen a claim.
- However, VA still needs to inform the Veteran of the reason for the previous denial. Use the Subsequent Development letter and do not send an additional 5103 notice.
- See the student handout on page 9 for the New and Material Paragraph



Previously Denied Conditions

- A paragraph explaining that the Veteran will be excluded from the FDC program if additional evidence is received will be attached as well.
- Refer to Student Handout page 9 for the paragraph.



Federal Records

- If the Veteran identifies federal records, VA will proceed to develop for those records, just as in the standard claims process.
- Encourage the Veteran to send in all records in their possession with the claim.



Unavailable Federal Records

- If the Veteran identifies federal records, and VA is unable to obtain them, we will send the Veteran a notification of the unavailability of those records, with the appropriate paragraph attached.
- See page 10 of the Student Handout for the paragraph.



Guard and Reserve Records

If the Veteran is a member of the National Guard or Reserves, they must submit copies of their service treatment records and any relevant personnel records along with their claim in order to be eligible for the FDC program.



Private Medical Records

- In the FDC program, the Veteran must submit copies of the treatment records for VA to consider in order to remain eligible for the FDC program.
- If the Veteran submits a completed 21-4142 for a private provider along with their claim, the claim will be excluded and VA will develop for the medical records under the standard claims process.



Public law 112-154 Section 506

- Section 506 of this Act amends 38 U.S.C. § 5110 to allow up to a one-year retroactive effective date for awards of disability compensation based on fully-developed **original** claims for compensation received between August 6, 2013, and August 6, 2015.



Eligibility for Retroactive Date

Eligibility for one-year retroactive date

- The claim must be for **compensation** – no other types of claims are eligible,
- The claim must be **formal and original**; incomplete claims are not eligible for an additional retroactive effective date (however, see the instructions below for determining the proper effective date when an incomplete claim for the same disability exists in the record),



Eligibility for Retroactive Date

- The claim must be received on a **VA Form 21-526 EZ**, and
- The claim must be **received between August 6, 2013, and August 6, 2015.**



Calculating retroactive dates

- The evidence of record must support the evaluation assigned from the effective date.
- For example; if evidence submitted with the FDC shows the level of disability existed for one year prior to submission of the claim, then process the award with a one-year retroactive effective date.



Practical Exercise

Take 5-10 minutes to complete the Practical Exercise in the Student Handout.

Review the questions and answers with the class.



Questions